IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA **Plaintiff** **v.** EFREN IRIZARRY-COLON, **Defendant(s)**	**CRIMINAL NO.** 05-258(JAG)

ORDER

Pending before the Court are two motions to dismiss filed by the defendant. (Dockets No. 27 and 31). On June 19th, 2006, then Magistrate-Judge Gustavo A. Gelpi issued a Report and Recommendation ("R&R") to deny both motions. On June 21, 2006, the defendant filed objections to the R&R. (Docket No. 48).

First, the defendant objects to the Magistrate-Judge's conclusion as to the "failure to charge a committed offense" argument. Upon de novo review, the Court adopts its holding in the case of U.S. v. Alfonzo-Reyes, 410 F.Supp.2d 54 (D.P.R. 2006), which addressed and discarded an identical argument.

The defendant also objects to the Magistrate-Judge's conclusion on the issue of multiplicity. Upon de novo review, the Court finds that Judge Gelpi's analysis on this score is correct and, hence, adopts his recommendation.

In light of the foregoing, the Court fully **ADOPTS** the R&R in its entirety.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 7th day of August, 2006.

S/Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge